

## **PROSECUTOR'S SUMMARY OF SHALMARIE TULK'S INVOLVEMENT IN CASE**

(emailed to me on 4/16/19)

Here is my plea offer for your client. It is one count, class three, probation available. It gives you the opportunity to argue to the judge for probation for her. It does stipulate that if given probation, she will have to serve a term in jail between 6 months and 1 year, which the sentencing judge would decide. Additionally, it has the standard \$1,500 fine, the same that everyone in this case is getting.

I need to look into it a bit more, but she has one conviction in the past, so I am not sure if that makes her prison only from the start. But either way, at trial, by the time she gets to her third meth purchase, she is category 2 prison only. Although the Enterprise and Conspiracy may have to run together, the meth charges don't. She could potentially get stacked on the three meth charges. Additionally, by the time she gets to her third charge, she is category 2 repetitive, with a range of 4.5-23. Additionally, I could allege her under the meth sentencing, and she could get a presumptive of 15 years flat time. That is just to give you something to compare the plea to.

Below I have summarized the evidence I would put on against your client at trial. When you see parentheses with numbers inside (#) it corresponds to the call or text that I am referencing. You can look through the line sheets to find those calls or texts. Additionally, I think a report that would be important for you to look at is Intelligence Regarding Shalmarie Tulk [...] by Jared Larson from October 5, 2018. The only thing to keep in mind, I have charged her with Conspiracy and Enterprise, so I would also be putting on evidence of the DTO in general, to show the jury how it worked, how they used code to talk, and what the DTO's general operation was. My paralegal is out today but I have copied her on this email and she will get the disclosure to you tomorrow.

Here is my summary of the evidence I would put on against your client, let me know if you have any questions:

On July 8, 2018 HENRY (001) received a phone call (#1536) from Shalmarie TULK (006), on phone number (940) 261-1216, on which TULK (006) asked if she could come see HENRY (001) that day. HENRY (001) said that she could, and TULK (006) told him she would be coming by for two. HENRY (001) said "huh?" and TULK (006) repeated "for two" which HENRY (001) affirmed. A few hours later, around 7:50 p.m., TULK (006) sent HENRY (001) a text message (#1543) which read "I need for please and the 4th one split in half on my way." Pole camera footage outside HENRY's (001) residence shows a black sedan park directly in front of HENRY's (001) residence at 8:26 p.m. The footage is grainy but you can see a person get out of the front driver's side door and walk toward HENRY's (001) residence. At 8:34 the black car can be seen backing away from HENRY's (001) residence and driving away.

Earlier in the investigation, on April 6, 2018 at 3:01 p.m., agents saw (via pole cam) a black BMW with Arizona license plate CEM3589 arrive and park at HENRY's (001) residence. Agents immediately established mobile surveillance of the BMW as it drove away from

HENRY's (001) residence and followed the car on Arizona Highway 90. Agents ran the car and found it was registered to Shalmarie Tulk with an address of 3096 W. Williams Road in Benson, AZ. Agents were able to visually confirm (using TULK's (006) driver's license photo) that the driver and sole occupant of the BMW was TULK (006). When later reviewing pole cam footage, the BMW can be seen arriving at HENRY's (001) residence at 3:01 p.m. A male in a bright orange shirt, who agents believe to be HENRY (001), exited HENRY's (001) residence and walked up to the driver's side door of the BMW. HENRY (001) then walked back into his residence for about two minutes before returning to the driver's side of the BMW for about 30 seconds before returning to his residence. The BMW drove away at 3:04 p.m.

On July 20, 2018 TULK (006) called HENRY (001) on TT-1. The six-and-a-half minute call (#3592) starts off with HENRY (001) asking TULK (006) what happened on Friday, going on to explain that TULK (006) was supposed to bring his money. Although HENRY (001) is confronting TULK (006) about money, the entire conversation is playful, and it sounds as if HENRY (001) is flirting with TULK (006). HENRY (001) tells TULK (006) that she got something and didn't pay for all of it. TULK (006) responds by saying "Oh...those tires I'm going to pay you for them, don't worry." HENRY (001) and TULK (006) then go on to talk and joke about HENRY (001) getting married to someone named Cat (Catherine Hamnes). HENRY (001) says that they are going to Rocky Point and tells TULK (006) that she wouldn't be able to keep up with him on the highway. TULK (006) says "Oh yeah, oh I'd keep up, when...in this BMW, don't worry." TULK (006) continues to ask HENRY (001) if she can come over. HENRY (001) tells her that he doesn't want anyone coming over after 10:00 p.m. TULK (006) promises that she will hurry over and HENRY (001) agrees. TULK (006) says "Oh, I swear to God real quick and then, In and out, and then I'm hauling ass that way. All right, bye." Before hanging up, and just like the call on July 8, TULK (006) yells in to the phone "Bye! Two! Two!" referring to her order.

About two hours later, TULK (006) calls HENRY (001) again (#3613) and as the phone is ringing, before HENRY (001) answers, TULK (006) can be heard talking to someone else "...answers it's because he's probably wanna known, Why..and why would she be calling back?" HENRY (001) then answers the phone and TULK (006) asks if she could "pretty please with sugar on top get some lawn mower parts?" HENRY (001) tells her that he does not have any of those, explaining that it doesn't cross no more. Agents believe that after TULK (006) went to HENRY's (001) residence to pick up her order of methamphetamine, she called back to see if he had any marijuana, which HENRY (001) said he did not.

Through the entire investigation into the HENRY (001) DTO the predominant drug that HENRY (001) was seen or heard selling was methamphetamine. The only exception to this was the two times UC-1 requested a different drug (heroin, oxycodone) that HENRY (001) was heard attempting to acquire. He was heard talking about marijuana, but nothing on the wire led agents to believe he was selling it seriously. Agents are not able to say for certain if the amount that TULK (006) was asking for, first two, then four, was in reference to ounces or eight balls. Agents believe, due to the fact that she asked for one to be split up and HENRY (001) sometimes allowed her to sell on consignment, the referenced amount is

ounces. Agents will testify that two and four, whether it be ounces or eight balls, is a for-sale amount. That testimony combined with how often she is going to HENRY (001) for resupply will be the evidence put on to show that she was possessing for sale.

On August 1, 2018, HENRY (001) got a call (#6478) from TULK (006) asking if she could come see him. HENRY (001) told her that he would meet her one street over at "the old place" which TULK (006) agreed to. Agents believe that HENRY (001) wanted to meet TULK (006) at his mother's address (311 North Martha Lane) as it is literally one street over and less than a quarter mile away. Agents believe that after Scudella was arrested a week earlier leaving HENRY's (001) house, he was cautious of conducting business there.

About five hours later TULK (006) again texted (#6552) HENRY (001), messaging "I need six please." HENRY (001) responded (#6554) "who is this" to which she texted in reply (#6560) "Are you really going to make me spell my name Tulk." A few minutes later, around 7:30 p.m., HENRY (001) called TULK (006) (#6572) and asked where she was. She explained that she "needed six" which HENRY (001) agreed to, and told her to come by the house. Agents saw, via pole cam, a dark car, believed to be TULK's (006) BMW, arrive at HENRY'S (001) residence around 8:07 p.m. An unknown person walked from the car and into HENRY's (001) property. Six minutes later, the person exited the property, got back in the car, and drove away.

On August 17, 2018, TULK (006) sent HENRY (001) a text (#11001) asking "Can I come see you," to which HENRY (001) replied (#11003) "Don't have anything."

On August 20, 2018, agents saw, via pole cam, TULK's (006) BMW pull up to HENRY's (001) residence. At the same time, TULK (006) called HENRY (001) (#11542) and told him she had to go to Sierra Vista for work and had stopped by his house. HENRY (001) told her that he was not at his house and was in Tucson. She asked HENRY (001) if he could stop by her house on his way home, but HENRY (001) said that he didn't have anything to stop by with. He told TULK (006) that he had something down there, but didn't have anything with him up there. TULK (006) told HENRY (001) that she would come back down sometime when he was home. One minute after her BMW arrived at HENRY's (001) residence, the call ended and the BMW drove away.

On August 21, 2018, TULK (006) called (#11,790) HENRY (001) asking if he was around. HENRY (001) said that he was, but he didn't have anything around. TULK (006) asked him to let her know when she could stop by and HENRY (001) said he would.

On October 16, 2018, agents called TULK (006) on her phone number, pretending to be with Cochise County elections. TULK (006) confirmed that it was her phone number and that her name was Shalmarie TULK (006). Agents obtained audio recordings of the phone call in case voice comparisons are necessary.

In his post arrest interview, agents showed HENRY (001) a picture of Shalmarie TULK (006). He said he has known her for years and said she lives in Benson, AZ. He first said he thought TULK (006) was just a user, but then said he was not sure what people do with

their product after leaving his house. HENRY (001) said that TULK (006) would come by and pick up three or four eight balls and give them to other people she knew. HENRY (001) said that sometimes she would ask HENRY (001) to split the balls up for her.

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